

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<b>In re Application of:</b>	James Morrow, et al.	<b>Examiner:</b>	PANDYA, Sunit
<b>Application No.:</b>	09/967,283	<b>Group Art Unit:</b>	3714
<b>Filing Date:</b>	September 28, 2001	<b>Confirmation No.</b>	6806
<b>Office Action Date:</b>	April 10, 2007	<b>Docket No.</b>	83336.0521
<b>Title:</b>	RECONFIGURABLE GAMING MACHINE	<b>Customer No.</b>	66880

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

**37 CFR § 1.131 Declaration of Prior Invention**

I, James Morrow, declare as follows:

1. I am a co-inventor of claims 30-45 and 48 in the above-referenced patent application (U.S. Patent Application Serial No. 09/967,283), and I am a co-inventor of the subject matter described and claimed therein. I, James Morrow, have personal knowledge of the matters stated herein, and if called as a witness, I would and could competently testify thereto. Robert Miodunski is the other co-inventor.

2. Prior to February 7, 2001, we had completed our invention as described and claimed in the subject application in this country, as evidenced below. Prior to February 7, 2001, having earlier conceived the idea of a triple view, reconfigurable gaming machine, I instructed Joe Cole of Cole Industries, Inc., to make a prototype of this machine to my specifications, as evidenced by the following:

83336 0521 37 CFR 1 131 Affidavit

*Sum 8/3/07*

A. E-mail having the Subject Line: Triple View disclosure; and Attachment

This e-mail references several other e-mails and a "requirements" disclosure document that Larry McAllister (a Bally Gaming employee) produced and sent to Cole Industries in order to have a prototype produced. The Invention Disclosure e-mail attachment documents that John Archuleta of Cole Industries built a prototype of the triple view, reconfigurable gaming machine according to specifications provided by myself (James Morrow) prior to February 7, 2001. The completed prototype was then presented to Bob Miodunski and myself (James Morrow) prior to February 7, 2001, by John Archuleta of Cole Industries. The Invention Disclosure e-mail attachment also provides a detailed description of the triple view, reconfigurable gaming machine. A copy of the email and attachment are attached hereto as Exhibit A.

B. E-mail having the Subject Line: Cole 3disp config.xls; and Attachment

This e-mail references a list of features and configuration options for the triple view, reconfigurable gaming machine that is disclosed in an attached document. The e-mail and attached document were sent by Larry McAllister to myself (James Morrow) and John Archuleta of Cole Industries prior to February 7, 2001. A copy of the email and attached document are attached hereto as Exhibit B.

C. Letter to Cole Industries from Bally Gaming

I (James Morrow) sent a letter to Joe Cole of Cole Industries, confirming the previous discussions between the companies; specifically that Bally Gaming considers all of its disclosures to Cole Industries (e.g., disclosures, prototypes, drawings, software, schematics, and

*Sum 8/4/07*  
✓

Atty Docket No.: 10407/521  
Serial No. 09/967,283

the like) regarding the triple view, reconfigurable gaming machine to be Bally Gaming's intellectual property, and Cole Industries did not make any inventive or creative contributions to the triple view, reconfigurable gaming machine product. A copy of the letter is attached hereto as Exhibit C.

D. Letter from Cole Industries to Bally Gaming

In a letter sent by Joe Cole of Cole Industries that was addressed to me (James Morrow), Joe Cole confirmed the previous discussions between the companies (and the above referenced letter, Exhibit C); specifically that Cole Industries agrees that all of Bally Gaming's disclosures to Cole Industries (e.g., disclosures, prototypes, drawings, software, schematics, and the like) regarding the triple view, reconfigurable gaming machine are Bally Gaming's intellectual property. A copy of the letter is attached hereto as Exhibit D.

3. Each of the dates deleted from Exhibits A, B, C, and D is prior to February 7, 2001.

4. All statements made herein of my own knowledge are true, and all statements made on information and belief are believed to be true. I understand that willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. 1001) and may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

Dated: 8/3/07

  
James Morrow  
Formerly of Bally Gaming Inc.

Enclosures (Exhibits A-D)

## **EXHIBIT A**

## **Soberanis, Juanita**

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**From:** Miodunski, Bob  
**Sent:**  
**To:** Morrow, Jim  
**Subject:** RE: Triple view invention disclosure

I think you've covered it adequately. do we need to notify Joe Cole that we have applied for this?

-----Original Message-----

**From:** Morrow, Jim  
**Sent:**  
**To:** Finta, Monica; Miodunski, Bob  
**Subject:** Triple view invention disclosure

Attached please find an invention disclosure for the Triple View concept.

Bob, you may want to add to the 'purpose and benefits' section.

Monica, I have several emails and a 'requirements' document that Larry McAllister produced and sent to Coles for the prototype. Let me know if you want this information. I plan to meet Robert next Wednesday in Mission Viejo to go over GDCU patent stuff. Do you want us to talk about this as well?

Jim

<< File: Invention disclosure 3 view.doc >>

**BALLY GAMING & SYSTEMS**1410 Greg Street  
Sparks, NV 89431**INVENTION DISCLOSURE****DESCRIPTIVE TITLE:** —Triple View Gaming Machine**INVENTORS(S):** updated by jwm 8/28/01

NAME	LOCATION	PHONE	SUPERVISOR
<u>Bob Miodunski</u>	<u>—Las Vegas, NV</u>	<u>—702-896-7700</u>	<u>The Board</u>

**CONCEPTION:**

First Oral Description

Date

By/To

Miodunski to Morrow

First Written Description

Date

Author

McAllisterL

Other Related Documents

Emails and Configuration Description**REDUCTION TO PRACTICE:**Has a device or process embodying the invention been built? Yes

If so, when, where and by whom? On \_\_\_\_\_ at Cole Industries by John Archuleta employed by  
Cole Industries as contractor, built to specifications provided by J. Morrow at a meeting at Cole Industries on  
Prototype shown to Bob Miodunski and Jim Morrow on \_\_\_\_\_ Presented by Joe  
Cole and John Archuleta.

Where drawings or photos made? no

Location of them?

**OFFER FOR SALE:**

**BALLY GAMING & SYSTEMS**

1410 Greg Street  
Sparks, NV 89431

**INVENTION DISCLOSURE**

Has device embodying the invention been offered for sale or sold? no

To whom and when?

# BALLY GAMING & SYSTEMS

1410 Greg Street  
Sparks, NV 89431

## INVENTION DISCLOSURE

### PUBLICATION:

Has there been a publication or public disclosure of the invention? no

To whom and when?

### PUBLIC USE:

Has there been a public use of a device embodying or made in accordance with the invention? no

Where and when?

Was the use experimental?

### SUMMARY OF THE INVENTION:

A. Set forth a brief and preliminary summary of the invention as you now understand it.

The device will have three video areas for display. A top, middle and bottom area. The concept is for the top display area to appear in size and presentation to be the same as "top award glass" traditionally used in slot machines to present the pay table. A middle screen area will provide the traditional game display. Typically a spinning reels, a poker game, keno or any number of gambling games can be presented here. The pay table associated with the game presented in this middle screen would be presented on the top screen. The bottom screen would fill the area traditionally associated with "belly glass" in a gambling device. This screen would showcase artwork representative of the theme of the game being played in the middle screen.

The concept is to allow for download over an attached network of new games to the triple view platform. The download would include top glass pay tables and belly glass attract artwork. Thus a casino could rapidly reconfigure the triple view gaming devices on their casino floor. Such reconfiguration could take place at the request of the slot patron by their selection of a game title from a multi-game option. Or casino management could optimize play on their casino floor by rapidly re-configuring games.

The concept also allows for game to slot patron interaction over all three screens. One or more of the screens could be used to offer casino specific features to the patron or additional game play opportunities. Examples of such uses might include booking of hotel rooms or restaurant reservations on a screen or a casino wide bonusing game presented on one of the screens.



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**INVENTION DISCLOSURE**

## BALLY GAMING & SYSTEMS

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### INVENTION DISCLOSURE

B. Explain the purpose and advantages of the invention as you understand them.

The purpose of the invention is to allow creative new game content to be delivered to the casino floor quickly.

The advantages of the invention are:

- The speed with which new games could be placed on the casino floor.
- The speed with which a casino floor can be re-configured.
- The appearance of this triple view is intended to match as closely as possible the current look of a traditional slot machine. Todays gaming devices with two screens present smaller viewable areas.
- New games can appear on the middle monitor with their associated payable on the top screen and attract/belly glass in the bottom screen. Thus eliminating the need for changing top and belly glass each time a game is changed. Thus saving time and money and allowing the casino to reconfigure the floor very rapidly.
- A new form of game is possible that employs all three viewing areas as part of the game play.

C. Identify possible relevant prior art known to you.

Several vendors have placed a monitor in the top glass of the game.

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**INVENTION DISCLOSURE**

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Sparks, NV 89431

## INVENTION DISCLOSURE

### DETAILED DESCRIPTION:

Describe an embodiment of the invention in reasonable detail, using additional sheets if necessary, attaching prints of drawings or sketches helpful in understanding how the embodiment functions.

The best practice for Triple View would be to have a game that uses client/server architecture such that the client portion of the game could be separated from the server portion of the game. In this way the company could offer a game that looks much the same as today's games do where the client and server processes are both located in the one game cabinet. Indeed they would be on the same computer and running as two processes. The same game could be offered in a typical client/server architecture where the client resides on the game. That is, it runs as a process in the PC running the game. The preferred embodiment would have the graphics and sound located locally in the game. The preferred operating system would be multi-tasking like Microsoft NT or XP. In addition, the preferred operating system would be capable of running off non-writ-able media such as CD-ROM or EPROM in order to satisfy gaming jurisdictional requirements. Microsoft NT Embedded or XP Embedded are examples of such an operating system as is LINUX. The server would then be located in a securely controlled computer room within the casino or perhaps in another secure location in a far away part of the state. The server would provide game outcomes to the client. The rules, accounting, random number generation and operation of the game would be controlled by the server. It is vital to note that the client is 'fat' in that it has all the graphics, sound and some player response capabilities. This is to keep the amount of messaging traffic on the network to a minimum. The concern is that with 3000 machines in a typical casino if the server had to send graphics and sound information down for each play on every game, the network would become overwhelmed. To avoid this only the minimum information would be transferred between client and server. The server and client would preferably be connected over a high-speed communication media. Examples are 10/100BaseT Ethernet run over Cat 5 cable for the physical connection. Options would include 'long line' Ethernet for running over older Cat 3 cable. Protocol would preferably be handled by TCP/IP with IITTP and XML messaging.

Due to the need to meet gaming compliance requirements there would be a requirement for security and authentication of the game code. That is, a gaming device must be certain that the software it is operating has been approved by the jurisdiction in which the game resides. Security includes physical cabinetry, locks and procedures. In the case of Triple View such means would be enhanced with electronic authentication employing means such as SHA-1 to hash the contents of game code, graphics, sounds and operating system. The SHA-1 would then be verified against a public key encrypted signature employing the Digital Signature Analysis algorithm. Both the SHA and DSA algorithms and key would be held in a device that could be physically verified by the gaming control agents. For example, a EPROM or FLASH chip may contain these pieces of information. Thus the method would build layers of trust beginning with the physical FLASH chip. Once that chip had been verified, the field agent would be able to trust the results of that chip testing other data. For example it may go on to test the CD-ROM or EPROMs containing game code.

# BALLY GAMING & SYSTEMS

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## INVENTION DISCLOSURE

In the preferred embodiment, Triple View would run the Microsoft NT embedded operating system and have software on it to act as a client, perhaps written in JAVA. The graphics, sound and real time I/O processes would reside on the client. Triple View would communicate with the server to get game outcomes. It would also be possible to download new graphics, sound and such to Triple View and thus change the look and operation of the game.

A second possibility would be for Triple View to have a library of games stored locally so that the casino could enable one game at a time or the slot patron could load up the game they wanted to play.

## PROPRIETARY

This document contains proprietary information, and except with written permission of \_\_\_, such information shall not be published, or disclosed to others, or used for any purpose, and the document shall not be duplicated in whole or in part.

### READ AND UNDERSTOOD BY:

\_\_\_\_\_  
Witness Name (type)

\_\_\_\_\_  
Signature of Inventory

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness Name (type)

\_\_\_\_\_  
Signature of Inventory

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness Name (type)

\_\_\_\_\_  
Signature of Inventory

\_\_\_\_\_  
Date

## **EXHIBIT B**

## Soberanis, Juanita

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**From:** McAllister, Larry  
**Sent:**  
**To:** 'Cole - John Archuleta'; Morrow, Jim  
**Subject:** Cole 3disp config.xls



Cole 3disp  
config.xls

This is a list of features and configuration options needed on the triple display concept game. A detailed breakdown of parts is also available when required.

-Larry

# Triple Vision Concept Game Configuration Specification

2-Nov-00

## POWER CORDS

The following power cord options should  
be supported:

	Bally Part # (ref. only)
Italy	E-00126-0120
U.S. (Standard)	E-00126-0121
European	E-00126-0122
U.K.	E-00126-0123
Domestic (NEMA 6-15)	E-00126-0132
Australia	E-00126-0143
South Africa	E-00126-0157

## MAIN TRANSFORMERS

The following power transformers should be supported.

120 / 60Hz	E-00122-0223
220 / 50Hz	E-00122-0224

## BALLAST ASSEMBLIES (all same footprint)

50Hz	E-00664-441A
60Hz	E-00664-0239

## COMMON PARTS

BOM of common parts:	AS-04222-0287
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## CABINET FINISHES

Laminate	A-08000-01**
Powder Coat	A-08000-00**

\*\* This will be replaced with a two digit  
number if the cabinet is going to be  
powder coated or a two letter designator  
if the cabinet is going to be laminated.  
See Print PC-SPEC-0001 (Powder Coat)  
See Print LAM-SPEC-0001 (Laminate)

## JACKPOT BELL

Standard (or equivalent)	K-00674-0151
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## PROGRESIVES

Mikohn 1x12 mini standalone	K-00721-5551
Link ready (interface only)	K-00621-7055

## CONVENIENCE OUTLETS (or equivalent)

Italy	AS-03268-0003
U.S	AS-03268-0004
U.K.	AS-03268-0008
European	E-00664-447A



### MONITORS

17" CRT, Standard

E-00832-0101

### DOOR OPTIONS

Doors should have interchangeable button panels, initially supporting both 10 and 12 button configurations. Doors should also support multiple locks. All door configurations should be available in either chrome or gold finish.

### TOWER OPTIONS (or equivalent)

2 Tier - Tall	TWR1-01012-****
2 Tier - Short	TWR2-01012-****
3 Tier	TWR1-01013-****
4 Tier	TWR1-01014-****
No Tower Kit	K-00694-0029
4 Tier Tower cable	K-00694-0487

\*\*\*\* This will be replaced with a four digit number indicating tier colors  
See Print TWR1-SERIES (Tall Towers)  
See Print TWR2-SERIES (Short Towers)

### RESET (KEYSWITCH) LOCKS

The cabinet should provide for one standard lock hole, plus two punchout holes for the following lock options.

IGT Style #2341	M-00281-0171
Tournament #X000010	M-00281-0172
European (Bally) #000001	M-00281-158C
Knockdown Kit	K-00694-0601
Oasis (GM Exclusive)	E-00664-0583

### BILL ACCEPTOR OPTIONS

The machine should include support for the JCM WBA family of bill acceptors as standard equipment. Bezels should support 67mm, 71mm and 77mm currencies. A version should also be available without bill acceptor. The cabinet should also be designed to allow for future adaptation of the following bill acceptors:

Mars ZT-1000 series  
GPT IDS series  
Ardac World Acceptor  
CashCode MFL

### HOPPER \*& PRINTER OPTIONS

The game should provide for a high capacity coin hopper, and a Seiko Instruments thermal printer, to be installed either individually or in combination.

### COIN ACCEPTOR OPTIONS

The game should provide for the following coin acceptors. Coin sizes up to 1.75" is desirable.

MC-16 or MC-46

Condor

IC-16

IDX X10

IDX X-70

NRI G-13

#### **MECHANICAL METER OPTIONS**

The game should provide the capability of supporting up to 5 electromechanical counters. The counters should be mounted so that they can be read without opening the door, but also with the option of being visible only with the game door open.

#### **SAFETY APPROVALS**

The game should be designed to be compliant with CSA, UL and TUV standards, including water spill, tip test, protection from shock hazard, etc.

#### **SYSTEMS OPTIONS**

The game should provide an interchangeable systems panel, capable of supporting the following player tracking systems:

Dacom

Grips

Acres

AGI/IGS

CDS

EDT PT-M400

EDT / IGS, Reader, Display, Keypad

GSI

MGM

MIKOHN

SDS

USI

## **EXHIBIT C**

## *Bally* GAMING

Bally Gaming, Inc.  
6601 South Bermuda Road  
Las Vegas, Nevada 89119-3605  
Telephone (702) 896-7700

Mr. Joe Cole  
Cole Industries  
4170-103 Distribution Circle  
North Las Vegas, NV 89303

Dear Joe,

This letter confirms our previous discussion concerning our "triple view" product. Bally Gaming, Inc. considers the triple view product along with any prototypes, drawings, software, and schematics our proprietary concept, design, and apparatus. Bally intends to protect any and all intellectual property associated with the triple view product. Bally believes Cole Industries or its employees did not make any inventive or creative contributions to our triple view product and, therefore, would not have any claim or ownership interest in the triple view product or any of the intellectual property associated therewith.

If you agree with the contents of this letter, please indicate your agreement by signing below and returning one original to me.

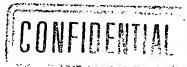
Thank you for your assistance.

Sincerely,

BALLY GAMING, INC.



Jim Morrow  
Vice President Advanced Development  
6601 South Bermuda Road  
Las Vegas, NV 89119-3605



On behalf of Cole Industries and its employees, I am indicating agreement with the contents of this letter by my signature below.

\_\_\_\_\_  
Date: \_\_\_\_\_

## **EXHIBIT D**



INDUSTRIES, INC.

4170-103 Distribution Circle  
North Las Vegas, NV 89030  
(702) 633-4270  
(702) 633-5088 FAX

Jim Morrow  
V.P. Advanced Development  
6601 S. Bermuda Rd.  
Las Vegas, NV 89119-3605

**RE:           YOUR LATER DATED  
              TRIPLE VIEW PRODUCT**

Dear Jim,

Thank you for your above letter. I understand that Bally Gaming, Inc. ("Bally") is very excited, and rightfully so, about the triple view product. I also understand and recognize that you intend to protect all intellectual property developed by Bally in the development of this innovative product. In that regard, I recognize that Cole Industries, Inc. ("Cole") has no rights in and/or to any intellectual property directly related to the concept of the presentation to the public of a gaming device with three (3) viewing screens.

However, as you know, a number of the items and concepts contained within the workings of the triple view product were designed and developed by Cole. We do retain our rights relative to all of the mechanical, electronic, electro-mechanical, etc. (primarily internal) components designed and developed by Cole related to your triple view product.

Please call to discuss the contents of this letter.

Sincerely,

Joseph Cole  
President

